# HEGUARDIAN

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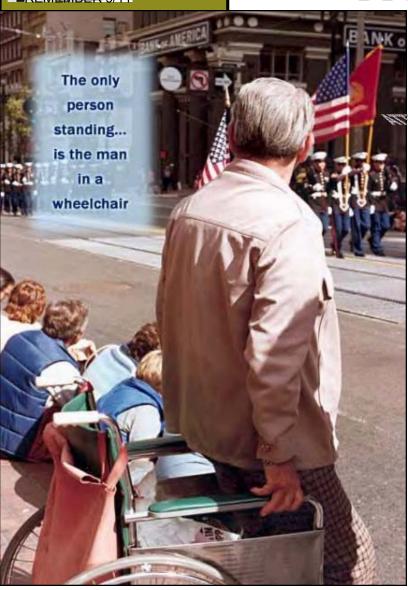


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## REMEMBER OUR





# ATTEND A MEMORIAL

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### **Veterans Service Office**

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(559) 675-7766

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# **The Flag**

To Date only one Federal Statutory provision, amended by public law 94-344, is in effect and that law only deals with the proper display of and respect for the United States flag. This code contains no penalties and is intended for the use by civilians or civilian groups or organizations and may not be required to conform with other regulations enforced by other branches of the Government of the United States. The "Federal Flag Code" 36 U.S.C. 171-178.

The only teeth put into U.S. Flags laws are done by the states and every state has enacted its own statutory provisions relating to the United States Flag. These codes vary considerably in what does in fact constitute desecration of the flag, prison terms and fines imposed. The Federal Flag Code <u>DOES NOT SUPERSEDE</u> THESE STATE LAWS.

If you would care to receive a copy of your states flag code you can by contacting the States Attorney's Office.

Remember, June 14 is Flag Day and it is the anniversary date on which the United States Flag was adopted by the Continental Congress.

Some rules you should know about the proper treatment of the flag.

- 1. The flag should never be draped, but red, white and blue "bunting may be used by arranging the blue on top when displayed horizontally and with the blue to the observer's left when displayed vertically.
- 2. A flag shoulder patch or flag pins can be worn on uniforms and civilian cloths under changes to the code which authorize this for Military personnel, firemen, policemen and members of patriotic organizations.
- 3. The law does not forbid flying antenna flags but the flag

- must be treated with respect and not neglected. They should not hang in shreds or be covered with grime. Replace the flag.
- 4. The law does not forbid flag decals on a vehicle and they should be placed where the least wear and tear will be caused. A decal should never be placed on a vehicle bumper.
- 5. The placing of or attaching to a flag any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is a direct violation of the Federal Flag Code Section 4 (g). (Some states prohibit the manufacture as well as the display of such altered flags).

When the Flag of the United States is displayed with any other national or international flag,

- "the U.S. Flag will never have another flag in a position of superior prominence or honor, Public Law 107, enacted in July, 1953".
- A flag with less than 50 stars is proper to fly but should be in good condition.
- 8. A flag can be displayed 24 hours a day under certain conditions. Although the universal custom is to display the flag from sunrise to sunset the flag may be displayed 24 hours a day if the flag is illuminated.
- If an all weather flag is used, then the flag may be displayed during inclement weather.
- 10. Only one flag should be displayed upon any one building.

- 11. Only Federal guidelines regulate if a flag is to flown on government buildings.
- 12. The custom is to use either an Eagle, spear, ball, acorn or lance on the tip of a flag staff but the Federal Flag Code does not specify or restrict any use.
- 13. A flag pole can be any color.
- 14. A flag being raised should be raised in a rapid manner but lowered in a slow, ceremonious manner.
- 15. A flag should always be to the right of a speaker.
- 16. A bible should never be placed upon the flag under U.S. Flag Code Section 4 which states . . . "nor have any object placed upon it."
- 17. A flag can be hung flat against a wall as long as the blue field is to the flag's own right or the observer's left as he faces the flag. The flag should never be draped, festooned or ever touch a n o t h e r o b j e c t (exception is when draped upon a veterans casket).
- 18. When carrying the flag it should fall free except when entering a room or going under a low overhead when the bearer of the flag while lowering the flag needs to hold the flag to keep it from touching the ground or floor.
- 19. The proper way to salute the flag is for persons in uniform to render the military salute,

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#### CONTINUED FROM PAGE 2

men in civilian dress to place the right hand over the heart, holding their hat if one is worn and women to place the right hand over the heart and same rules for children.

- 20. If the National Anthem is played with no flag displayed then all will face the music and act as if the flag was displayed.
- 21. All policemen and firemen should give the military hand salute and if the policemen have batons drawn they render the baton salute.
- 22. the United States Flag should never be dipped to any person or thing, any regimental colors, state, organization or institutional flags will render that honor. Exception is if a U.S. Navy ship is so honored from anther vessel then they may return the compliment dip for dip.
- 23. When the U.S. Flag passes in a parade the proper salute for those in uniform is the military salute and those in civilian dress will render the normal salute, right hand over hearts and men remove any headgear and hold the salute until the flag has passed their position.



# THE FLAG, CORRECT PARADE CONDUCT!

With Memorial Day fast approaching and from observations made in the past, I felt a few words about what is the appropriate conduct for viewers of a parade. (See the picture on front page).

The U.S. Flag in a procession should always be in the "Place of Honor" 1. On the flag's own marching right, or 2. If there is a line of flags, in front and center of that line, (no other flag or pennant should be placed above nor to the right of the U.S. flag).

All persons should stand and salute the lead U.S. flag in each division. Those in uniform will render the military salute and hold the salute until the flag has passed their position. Women and hatless men will place their right hands over their hearts. Men wearing hats should remove the head gear and hold it at the

left shoulder with the right hand over the heart. The military salute is fingertips of the right hand to their cap. These rules also apply to children.

Uniformed policemen, sheriff's and firemen are to give the military salute unless the peace officers have batons drawn then they render the baton salute.

The U. S. flag is not to be dipped, only regimental colors, state, organization or institutional flags will render that honor.

The U.S. flag is displayed at half-staff from sunrise until noon and then at full-staff from noon until sunset, unless the President especially proclaims that it be half-staffed from sunrise to sunset on Memorial Day.

Other half-staff days from sunrise to sunset are May 15, Peace Officers Memorial Day, July 27, National Korean War Veterans Armistice Day and Dec. 7, National Pearl Harbor Remembrance Day.





# **VETERANS of FOREIGN WARS**



**GUARDIAN IN-PUT, MAY 06** 

VFW Commander George Bloch Post 1981 200 South G Street Madera Ca 93639 (559) 661-9038

As a follow-on to the March in-put regarding **LOYALTY DAY**, observed on May 1<sup>st</sup> of each year, the following is offered to answer a logical question that every good citizen will immediately ask, "What can I do to help?" Some suggestions for personal action:

- 1. Enlighten all whom you encounter about the importance of preserving law and order and of the necessity to proclaim their love for America and "Old Glory".
- 2. Address groups of all ages encouraging a rekindling of their pride in our democratic way of life.
- 3. National Volunteer Week is celebrated near Loyalty Day, May 1st. Promote volunteer efforts in your community.
- 4. The annual March of Dimes Walk-America event is held in April. Provide a Color Guard for the opening ceremonies and a walk team.
- 5. Your own neighbors and friends will be among the most eager to join in if you have properly described the purpose of Loyalty Day.
- 6. Help to develop Loyalty Day parades with lively bands, colorful floats, and marchers.
- 7. Arrange public meetings where outstanding speakers are presented; use Voice of Democracy and Youth Essay winners if possible.
- 8. Bring students into Loyalty Day activities by holding school programs in assembly halls, promoting Flag presentations and by means of special contests.
- 9. Fly your American Flag and encourage others to do the same.
- 10. Urge sermons on "Loyalty" from all church pulpits, stressing the importance of our religious freedoms.
- 11. Urge the use of the Pledge of Allegiance at public gatherings.
- 12. Law Day falls on May 1<sup>st</sup>, as well, an excellent opportunity for cooperation with judges and lawyers.
- 13. Publicize Loyalty Day through all forms of news media, write articles, editorials or even letters to the editors to promote the meaning of this *special* day.

Our 13 original colonies fought, won, prospered and grew into the United States of America. The above suggestions, when properly applied, can serve to keep their great dream intact.

OBLIGATION	CERTIFICATION	
In the presence of Almighty God, I do, of my own free will and accord, solemnly promise and declare that:	Admission Fee paid \$ Dues paid \$	
I will bear true allegiance to the Constitution of the United States of America and I will always be loyal thereto.  I do further solemnly promise and declare that I will comply with the	Date LM Fee paid \$	
Congressional Charter, bylaws and Ritual of this order and I will always be loyal thereto. I will never wrong or defraud this organization—nor a	(See Sec. 104 bylaws)	
member thereof nor permit any wrong to be done to either if in my power to prevent it.	The Investigating Committee has performed its duties and recommends Oapproval Orejection.	VFW
I will never propose for membership any person not eligible nor one whom I know to be unworthy.	(Signatures of Committee below)	VETERANS OF FOREIGN WARS
I will never make known to anyone not authorized to receive it any of the work of this order.	Committee Member	
Should my affiliation with the Veterans of Foreign Wars of the United States cease in any way I will consider this pledge as binding outside		LIFE MEMBERSHIP FEES
of the order as though I had remained a member of same.  All this I promise and pledge upon the honor of a true comrade and	Committee Member	Attained Age Fee Through 30 \$245
a citizen of our great republic.	Committee Member	31-40
	Committee Member	51-60
Applicant's Signature	Applicant approved — Obligated —	71-80125
I have investigated the character and campaign medal service of the applicant and hereby endorse him/her as eligible and worthy of	Date Date	81+
membership in the VFW.	The annual dues of each member includes a year's subscription to the VFW Magazine, official publication of the Veterans of Foreign Wars of the United States.	Any applicant whose 31st, 41st, 51st, 61st, 71st or 81st birthday will occur after the date of
Signed	Each applicant, upon acceptance, will be so notified and furnished with an official dues receipt showing membership for the year for which dues or Life Membership	application and on or before December 31st of the current calendar year, shall pay only the fee
Date Member of Post #	fees have been paid.	that would be required on his next birthday.

April 6, 2006

# Three Strikes Has Effectively Incarcerated Dangerous Felons & Deterred Crime, Without Explosive Prison Growth

"For over a decade, California's 'Three Strikes and You're Out' law has effectively resulted in the incarceration of some of our state's most dangerous felons and deterred others from committing new crimes, without the explosive prison growth that opponents predicted. In spite of the vast amount of misinformation disseminated by opponents of tough criminal justice policies, when you look at California's crime statistics, it is clear that Three Strikes works. A major reason for the drop in crime in California since Three Strikes is that the bad guys are behind bars."

### - Senator Chuck Poochigian

The success of California's "Three Strikes and You're Out" (Three Strikes) law is reflected in over a decade's worth of crime statistics. Despite the facts, critics vocally assert that the law has been a failure. A common refrain is that the law has led to an explosion in prison population, fueled by the incarceration of thousands of undeserving repeat felons. Another is that Three Strikes has filled our prisons with low-level felons, and drug addicts.

This document is a summary of a broader report – <u>California</u>, <u>Crime</u>, <u>Prison Population</u>, <u>and "Three Strikes"</u> – which compares some of the myths about Three Strikes with facts reflected in California's crime statistics. The report explores trends in California's prison growth, versus what was projected before and after Three Strikes. It compares California's prison population and crime rate to other states, and weighs whether increased penalties have an effect on crime rates. It also breaks down our prison population to show that the vast majority are in for serious or violent crimes, crimes against the person, or crimes aggravated by prior felony convictions. The report also shows the impact Three Strikes has had on two classes of property crimes, residential burglary and auto theft.

## **Myth of Exploding Prison Populations**

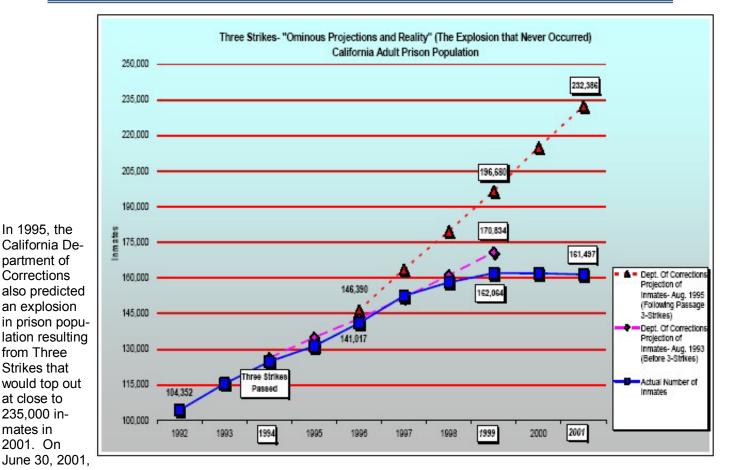
In early 1994 the Legislative Analyst's Office (LAO) estimated that "By the year 2003 the additional costs [associated with the passage of Three Strikes] will reach about \$3 billion and will grow to about \$6 billion by the year 2026. These amounts assume that the changes will add about 270,000 more inmates to the state's prison population than would have occurred," (Source: Legislative Analyst Ballot Argument, 1994). The Three Strikes initiative passed with 72% support on the November 1994 ballot.

A recent LAO report acknowledges that the explosion in prison population they and others predicted was simply wrong, stating that "1994 analysts predicted that Three Strikes would result in over 100,000 additional inmates in state prison by 2003. Clearly that rate of growth has not occurred," (<a href="http://www.lao.ca.gov/2005/3\_Strikes/3\_strikes\_102005.pdf">http://www.lao.ca.gov/2005/3\_Strikes/3\_strikes\_102005.pdf</a> Page 15). The actual growth in California's prison population has been modest when compared with the 190% growth experienced during the ten years prior to the adoption of Three Strikes [see chart below].

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# Senator Chuck Poochigian

# PUBLIC SAFETY UPDATE



California's inmate population was 161,497 – 70,000 inmates fewer than projected by Corrections. In fact, California's population growth slowed to nearly a halt within 5 years of the passage of Three Strikes, and grew by less than 1% between 1999 and 2004.

### **Senator Chuck Poochigian**

Media Contact: Seth Unger (916) 651-4014 Public Safety Contact: Charles Fennessey (916) 651-4014

Questions or Comments: If you have any comments, issues you would like to see discussed, or concerns, please e-mail me at: Senator.Poochigian@sen.ca.gov. Visit my Public Safety Website at: www.sen.ca.gov/Poochigian to view past updates, see public safety facts and statistics, and for resources and links to valuable pages.

Click here for printer-friendly (PDF) version, which requires Adobe Reader:

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2001. On

If you would like to be removed from this list, please send an e-mail to senator.poochigian@sen.ca.gov with "remove" in the subject line.

Capitol Office (916)651-4014 | Fresno Office (559) 253-7122 | Ripon Office (209) 599-8540

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# Senator Chuck Poochigian

# PUBLIC SAFETY UPDATE

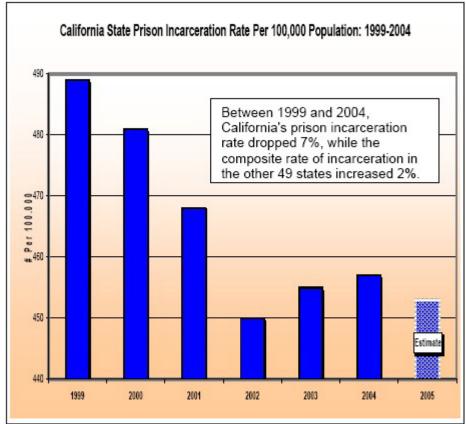
# California's Incarceration Rate Falling Faster Than Others

Because of misinformation disseminated by opponents of the criminal justice system, few in the public know that at least

15 states have a greater incarceration rate than California (per 100,000 population). In the ten years following the adoption of Three Strikes, California's incarceration rate grew more slowly than the composite rate of incarceration for the other 49 states. Between 1994 and 2004, the national increase in state prison inmate population was 10% higher than in California alone. During these years, California's incarceration rate actually *decreased* 7%, while the average rate for the other 49 states *increased* 2%.

# California's Crime Rate Dropped Dramatically Following Three Strikes

California's total crime rate in 1993, the year prior to adoption of Three Strikes, was fourth highest among all states. By 1999, California's total crime rate dropped to 29<sup>th</sup> among the states. During the same period, California's homicide rate dropped from fourth highest to

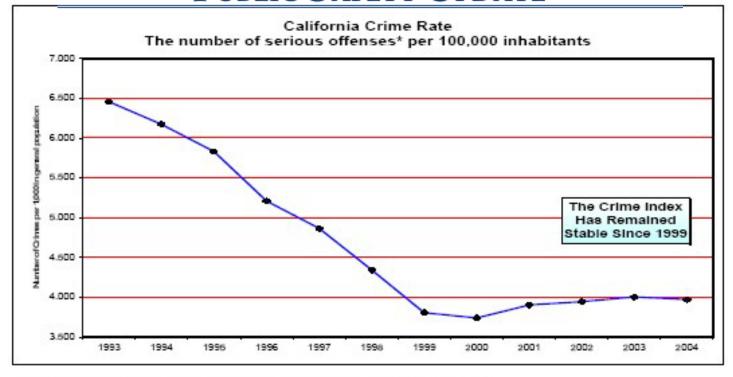


Source: US Bureau of Justice Statistics Bulletin - "Prison and Jail Inmates at Midyear 2004"

19<sup>th</sup> among the states. These statistics clearly suggest that California's falling crime rate was not just part of a national trend, or a result of demographics or economic factors – as opponents have suggested. Additionally, California's incarceration rate would fall below the average for all states were it not for the number of criminal alien inmates housed in its facilities. In 2003, 18% of California's entire prison population (30,200) were classified as criminal alien inmates by the Federal Government Accountability Office.

# Senator Chuck Poochigian

# PUBLIC SAFETY UPDATE



<sup>\*</sup> Source of all crime statistics is the California Crime Index.

## Comparing Burglaries to Auto Thefts Displays Deterrent Effect of Three Strikes

In 1994, the Three Strikes initiative designated burglary as eligible for a strike. In the ten years since, the incidence of vehicle theft (which is not a strike) surpassed burglary on the California Crime Index for the first time. Between 1999 and 2004, the number of vehicle thefts in California increased by 83,000, four times the increase in burglaries during the same period. California's rate of vehicle theft has increased dramatically relative to burglary in large part because burglary is a strike offense with corresponding penalties, while vehicle theft is not.

### Other States Have Followed California's Lead on Three Strikes

Currently, at least 23 states have some sort of Three Strikes sentencing law with 10 states adopting statutes in 1995, the year after voters approved California's Prop 184. Not surprisingly, these states have also experienced reductions in crime.

View Full Report: California, Crime, Prison Population, and "Three Strikes"

"Contrary to misleading rhetoric from opponents of tough sentencing laws for repeat offenders, California's prison population has not exploded in years following adoption of Three Strikes. During the last decade California has experienced both an unprecedented drop in crime and a decline in its incarceration rank among states. Those who insist that Three Strikes has not impacted crime, and suggest that it is not an effective deterrent, are resisting or ignoring the facts."

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# COMBINED RATINGS TABLE

Many veterans believe that once the Department of Veteran Affairs awards them several disability ratings that the sum total of all the ratings are equal to their total combined rating. That is not how the DVA determines a veterans overall service connected disability rating. Below is the 38 CFR 4.25 regulation & a copy of the DVA disability ratings table which was taken from the DVA website: http://www.warms.vba.va.gov/regs/38CFR/BOOKC/PART4/S4 25.DOC.

#### §4.25 Combined ratings table.

Table I, Combined Ratings Table, results from the consideration of the efficiency of the individual as affected first by the most disabling condition, then by the less disabling condition, then by other less disabling conditions, if any, in the order of severity. Thus, a person having a 60 percent disability is considered 40 percent efficient. Proceeding from this 40 percent efficiency, the effect of a further 30 percent disability is to leave only 70 percent of the efficiency remaining after consideration of the first disability, or 28 percent efficiency altogether. The individual is thus 72 percent disabled, as shown in table I opposite 60 percent and under 30 percent.

(a) To use table I, the disabilities will first be arranged in the exact order of their severity, beginning with the greatest disability and then combined with use of table I as hereinafter indicated. For example, if there are two disabilities, the degree of one disability will be read in the left column and the degree of the other in the top row, whichever is appropriate. The figures appearing in the space where the column and row intersect will represent the combined value of the two. This combined value will then be converted to the nearest number divisible by 10, and combined values ending in 5 will be adjusted upward. Thus, with a 50 percent disability and a 30 percent disability, the combined value will be found to be 65 percent, but the 65 percent must be converted to 70 percent to represent the final degree of disability. Similarly, with a disability of 40 percent, and another disability of 20 percent, the combined value is found to be 52 percent, but the 52 percent must be converted to the nearest degree divisible by 10, which is 50 percent. If there are more than two disabilities, the disabilities will also be arranged in the exact order of their severity and the combined value for the first two will be found as previously described for two disabilities. The combined value, exactly as found in table I, will be combined with the degree of the third disability (in order of severity). The combined value for the three disabilities will be found in the space where the column and row intersect, and if there are only three disabilities will be converted to the nearest degree divisible by 10, adjusting final 5's upward. Thus if there are three disabilities ratable at 60 percent, 40 percent, and 20 percent, respectively, the combined value for the first two will be found opposite 60 and under 40 and is 76 percent. This 76 will be combined with 20 and the combined value for the three is 81 percent. This combined value will be converted to the nearest degree divisible by 10 which is 80 percent. The same procedure will be employed when there are four or more disabilities. (See table I).

(b) Except as otherwise provided in this schedule, the disabilities arising from a single disease entity, e.g., arthritis, multiple sclerosis, cerebrovascular accident, etc., are to be rated separately as are all other disabling conditions, if any. All disabilities are then to be combined as described in paragraph (a) of this section. The conversion to the nearest degree divisible by 10 will be done only once per rating decision, will follow the combining of all disabilities, and will be the last procedure in determining the combined degree of disability. (Authority: 38 U.S.C. 1155)

# **COMBINED RATINGS TABLE**

Table I-Combined Ratings Table

THE REP REPORT IS WRITTEN BY JESUS S. LOPEZ. VETERAN SERVICE REPRESENTATIVE MADERA, COUNTY.



ASSUMPTION OF COMMAND – Iraqi soldiers of 1st Brigade, 4th Iraqi Army Division ride in up-armored Humvees during an assumption of command ceremony at Forward Operating Base Danger, Iraq, April 3, 2006. The 1st Brigade took command of the Sametra and Tikrit Iraq battlespace from the U.S. Army 3rd Brigade Combat Team



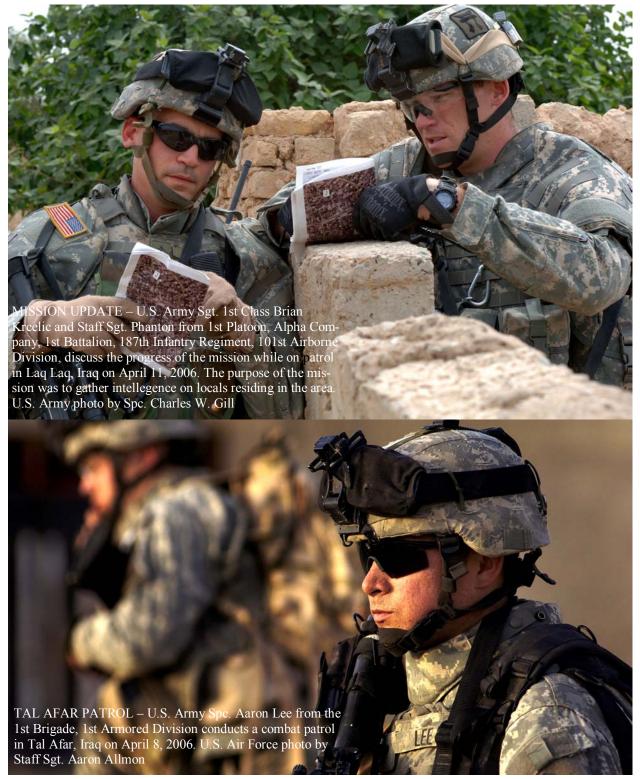
The Guardian Page 11 May, 2 006





The Guardian Page 12 May, 2 006

# BOUTE FROM UNITED STATES DEPARTMENT OF DEFENSE



#### MARINES HONORED ON HUMMER

MARINE CORPS BASE CAMP PENDLETON, Calif. (March 2, 2006)

Karla Comfort received a lot of looks and even some salutes from people when she drove from Benton, Ark., to Camp Pendleton, Calif., in her newly-painted, custom Hummer H3 March 2. The vehicle is adorned with the likeness of her son, 20-year-old Lance Cpl. John M. Holmason, and nine other Marines with F Company, 2nd Battalion, 7th Marine Regiment, 1st Marine Division who where all killed by the same improvised explosive device blast in Fallujah, Iraq, in December.

For Comfort, having the vehicle air brushed with the image of the 10 Marines was a way to pay homage to her hero and his fellow comrades who fell on



Iraqs urban battlefield. I wanted to let people know (Marines) are doing their jobs honorably, and some of them die, said the 39-year-old from Portland, Ore. I dont want people to forget the sacrifices that my son and the other Marines made.

Leading up to her sons death, Comfort had received several letters from him prior to his return. He had been deployed for five months, and Comfort worried everyday he was gone until she got the letters and found out the date he was coming home, she said. Marines knocked on the front door of her home in Farmington, Mich., at 3 a.m. with the dreadful news. I let



my guard down when I found out he was coming home, she said. There are times that I still cannot believe it happened. Its very hard to deal with.

Comfort came up with the idea for the rolling memorial when she and her two other sons attended Johns funeral in Portland, Ore. I saw a Vietnam (War) memorial on a car, and I said to my son Josh, we should do something like that for John, she recalled. He loved Hummers.

### **CONTINUED ON PAGE 15, HUMMER**

#### **CONTINUED FROM PAGE 14, HUMMER**



She purchased the vehicle in January and immediately took it to Airbrush Guy & Co. in Benton, Ark., where artist Robert Powell went to work on changing the plain, black vehicle into a decorative, mobile, art piece. I only had the vehicle for two days before we took it in, she joked. Two hundred and fifty man-hours later, Powell had completed the vehicle. The custom job would have cost \$25,000. Out of respect for Comfort's loss and the sacrifices the Marines made, Airbrush Guy & Co. did it for free. Comfort only had to purchase the paint, which cost \$3,000

I love it, she said. Im really impressed with it, and I think John would be happy with the vehicle. He would have a big smile on his face because he loved Hummers. Comfort gave Powell basic instructions on what to include in the paint job. But in addition to the image

e Marines, there were several surprises. He put a

of her son in Dress Blues and the faces of the nine other Marines, there were several surprises. He put a lot more on than I expected, she said. I think my favorite part is the heaven scene.

On the left side of the vehicle, a detail of Marines are depicted carrying their fallen comrades through the clouds to their final resting place. The American flag drapes across the hood, the words, Semper Fi crown the front windshield and the spare tire cover carries the same Eagle Globe and Anchor design that her son had tattooed on his back. All the support I have been getting is wonderful, she said.

Comfort decided to move back to her hometown of Portland, and making the cross-country trip from Arkansas was a way for her to share her sons story. Its also her way of coping with the loss. Along the way I got nothing but positive feedback from people, she said.

What got to me was when people would salute the guys (Marines). Its hard to look at his picture. I still cry and try to get used to the idea, but its hard to grasp the idea that hes really gone.



















# News You Can Use

# **IMPORTANT PHONE NUMBERS**

VA Regional Office, Oakland 1-800-827-1000 VA Life Insurance Center 1-800-669-8477

VA Medical Center Toll Free (Fresno) 1-888-826-2838

Cal-Vet Home Loan Information, (Fresno) 559-445-5466

Patient Advocate (Fresno VA)\*\*
Ext. 6970

Telephone Advice Nurse (Fresno VA)\*\* Ext. 6933

Outpatient Clinic – Merced/Atwater (Castle) 209-381-0105

Service Representative: (DAV, Fresno VA)\*\*
Ext. 5642

Service Representative: (VFW, Fresno VA)\*\*
Ext. 5647

Service Representative: (AMVETS, Fresno VA)\*\*

Ext. 5816
Service Representative: (American Legion,

Fresno VA)\*\* Ext. 5648

\*\*Fresno VA Pharmacy, (to order14 days before you run out call by touch tone phone)\*\*

559-225-6100 Ext.5333

CVSO Madera County (pager) D. Blessing 559-661-6895

Fresno Vet Center (Fresno) 559-487-5660

Transportation to VA Medical appointments

\*\* Call VA Fresno toll free number first
1-888-826-2838 ext. 6424